

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

RONNIE ALAN MONTALBANO, #1846985 §

VS. § CIVIL ACTION NO. 6:15cv573

DIRECTOR, TDCJ-CID §

ORDER OF DISMISSAL

Petitioner Ronnie Alan Montalbano, a prisoner confined in the Texas prison system, filed the above-styled and numbered petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition was referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation concluding that the petition should be denied. Petitioner has filed objections.

The Report and Recommendation of the Magistrate Judge, which contain his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Petitioner, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. It is specifically noted that Petitioner relies on *Martinez v. Ryan*, 132 S. Ct. 1309 (2012), and *Trevino v. Thaler*, 133 S. Ct. 1911 (2013), in an effort to save his first ground for relief, but these cases have no applicability to his first claim. Petitioner's objections lack merit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the Report and Recommendation (doc. #19) is **ADOPTED**. It is further


ORDERED that the petition for a writ of habeas corpus is **DENIED** and the case is **DISMISSED** with prejudice. It is further

ORDERED that a certificate of appealability is **DENIED**. It is finally

ORDERED that all motions not previously ruled on are **DENIED**.

It is SO ORDERED.

SIGNED this 12th day of April, 2016.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE